

Prob 12B

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is attached)**

Offender Name: Russell Paul Nicholls Docket No.: 2:04CR109
Name of Sentencing Judicial Officer: Ralph R. Erickson
Date of Original Sentence: March 21, 2005
Original Offense: Luring a Minor Via the Internet
Original Sentence: Five years custody - Three years supervision
Type of Supervision: Supervised Release Date Supervision Commenced: August 4, 2009

PETITIONING THE COURT

To Extend the term of supervision _____ year(s), for a total term of _____ years.

XX To modify the conditions of supervision as follows:

The defendant, Russell Nicholls, agrees to participate in the home confinement program and abide by all requirements of the program for a period not to exceed four (4) months from the date of installation. The home confinement program will include electronic monitoring. The defendant shall review and sign a Home Confinement Program Agreement provided by the probation office and follow the procedures specified by the probation officer. Furthermore, the defendant shall be responsible for the daily cost of the monitoring service.

CAUSE

This modification is in response to violations of the terms and agreement of the sex offender treatment program Mr. Nicholls is currently enrolled in at Badlands Human Service Center in Dickinson, ND.

12B
2:04CR109
Nicholls, Russell

Respectfully Submitted,

/s/ Tim Howard

July 23, 2010

Tim Howard

Date

U.S. Probation Officer

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Ralph R. Erickson, Chief
United States District Judge

July 23, 2010

Date

PROB 49

Waiver of Hearing to Modify Conditions of Probation/
Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
For The
District of North Dakota

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By assistance of counsel, I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing. I also agree to the following modification of my Conditions of Supervised Release:

The defendant, Russell Nicholls, agrees to participate in the home confinement program and abide by all requirements of the program for a period not to exceed four (4) months from the date of installation. The home confinement program will include electronic monitoring. The defendant shall review and sign a Home Confinement Program Agreement provided by the probation office and follow the procedures specified by the probation officer. Furthermore, the defendant shall be responsible for the daily cost of the monitoring service.

DATED: July 19, 2010

Witness:

Karen Goynne, RN, HRC
for Tim Howard

Tim Howard
U.S. Probation Officer

Signed:

Russell Nicholls

Russell Nicholls
Supervised Releasee